

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.21797 of 2005

1.Smt. Lekha @ Chandralekha

2.Smt.Muthammal

... Petitioners

Vs

1.The District Collector,
District Collectorate,
Villupuram District,
Villupuram.

2.The Tahsildar,
Taluk Office,
Kallakurichi Taluk,
Villupuram District.

3.The Revenue Divisional Officer,
Kallakurichi
Villupuram District.

4.The Principal Accountant General,
(Accounts and Entitle)
Tamilnadu.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to provide a job on compassionate ground consequent to the death of petitioners' husband late.Arunachalam to the the son of the second petitioner by name Mr. Ramesh and to pay Family pension to the second petitioner as per the compromise arrangement between us in proceedings Na.Ka.No.371/2000 (Application No.1/2000) dated 28.04.2000 on the file of chairman/Sub Judge Taluk Legal services committee Sub court, Kallakurichi.

For Petitioners : M/s.G.S.Selvatharasu

For Respondents 1 to 3 : Mrs. K. Bhuvaneswari, AGP

For Respondent 4 : Mr.V.Vijay Shankar,
Standing Counsel for Acct.General

O R D E R

One Arunachalam (late), was employed in the Office of the Taluk Office, Kallukurichi Taluk, Villupuram District and he died on 27.04.1989. The Petitioners herein claim to be the wives of late Arunachalam. Since the deceased employee was entitled for pensionary benefits and his legal heirs were also entitled to seek for job on compassionate grounds, they had filed this Writ Petition.

2.It is submitted by the learned counsel for the 4th respondent that, as per the prevailing Pension Rules, the legally wedded wife and unmarried children would be entitled for a family pension and so far as the married children are concerned, the sons would be entitled for family pension till they attain 25 years of age and the daughters would be entitled for family pension till their date of marriage or attaining 25 years of age, whichever is earlier.

3.It is now brought to my notice that the first wife/first petitioner is the legally wedded wife and that her children have also crossed the age of 40 years and as such, they will not be entitled for family pension as per the prevailing pensionary Rules. Likewise, the children of the second wife/second petitioner have crossed the age of 25 years and are also married, the children of the second wife will not be entitled for pensionary benefits. Consequently, the first wife/first petitioner will be entitled for family pension.

4.Insofar as compassionate appointment is concerned, since the children of second wife/second petitioner have crossed the age of 25 years, they will not be entitled for compassionate appointment. It is also seen that the children of the first wife/first petitioner are all aged above 40 years. As per the prevailing rules, an application seeking for job on compassionate ground, is to be made within a period of three years from the date of death of the employee. Taking into consideration, the age of the children and their marital status, it would not be appropriate to direct the respondents to provide job on compassionate grounds at this belated stage.

5.By holding that the first wife/first petitioner will be entitled for family pensionary benefits, this Writ Petition stands closed with liberty to the first petitioner to approach the first respondent herein with an appropriate application seeking for release of the pensionary benefits, in case it has not already been disbursed. On receipt of such a representation, the first respondent shall pass appropriate orders on its own merits and in the light of the above

observations, as expeditiously as possible, in any event, within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
District Collectorate,
Villupuram District,
Villupuram.
- 2.The Tahsildar,
Taluk Office,
Kallakurichi Taluk,
Villupuram District.
- 3.The Revenue Divisional Officer,
Kallakurichi
Villupuram District.
- 4.The Principal Accountant General,
(Accounts and Entitle)
Tamilnadu.
- 5.The Chairman/Sub Judge,
Taluk Legal Services Committee,
Sub-Court, Kallakurichi.

+1cc to M/S.V.Vijay Shankar, Advocate Sr.35179
+1cc to the Government Pleader Sr.34713

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srg 28/06/2019

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